UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/23036
13 September 1991

ORIGINAL: ENGLISH

LETTER DATED 13 SEPTEMBER 1991 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith for the attention of the members of the Council the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f) of the Guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report has been approved by the Committee on 13 September 1991.

(Signed) Peter HOHENFELLNER
Chairman
Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

Annex

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6, subparagraph (f) of the Guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. At its 2994th meeting, held on 17 June 1991, in connection with its consideration of the item entitled "The situation between Iraq and Kuwait", the Security Council, acting under Chapter VII of the Charter, adopted resolution 700 (1991) by which, inter alia, it approved the Guidelines for facilitating full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991, annexed to the report of the Secretary-General contained in document S/22660.

2. By paragraph 5 of resolution 700 (1991) the Council entrusted the Committee established under resolution 661 (1990) with the responsibility, under the Guidelines, for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established in paragraph 24 of resolution 687 (1991).

3. Paragraph 24 of resolution 687 (1991) reads as follows:

"The Security Council,

"...

"24. Decides that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Security Council, all States shall continue to prevent the sale or supply, or the promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

"(a) Arms and related matériel of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;

"(b) Items specified and defined in paragraphs 8 and 12 above not otherwise covered above;

"(c) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in subparagraphs (a) and (b) above;

"(d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;"

4. Under paragraph 6 of the Guidelines (S/22660, annex), the functions of the Committee for monitoring the arms and related sanctions are the following:

(a) To meet at regular intervals to examine reports submitted by the Secretary-General on the implementation of the relevant resolutions;

(b) To provide guidance to States and to international organizations, either upon their request or at its own initiative, on matters concerning the implementation of paragraph 24 of resolution 687 (1991), inter alia, through the elaboration, as necessary, of relevant criteria;

(c) To reach, in connection with subparagraph (b) above, when needed, agreed interpretations of items falling within the specified categories of proscribed items and activities;

(d) To seek information and maintain contact with States, international organizations and those non-governmental organizations whose activities and/or expertise are likely to promote strict implementation of the arms and related sanctions against Iraq;

(e) To bring to the attention of the States and international organizations concerned information reported to it of alleged violations of the arms and related sanctions against Iraq for appropriate action by those States and international organizations;

(f) To report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions.

5. At its 43rd meeting, held on 20 June 1991, the Committee took note of the approval of the Guidelines by the Security Council. This report is submitted in accordance with paragraph 6, subparagraph (f) of the Guidelines, as also mentioned in the letter by the Vice-Chairman of the Committee to the President of the Security Council dated 5 August 1991.

6. By paragraph 12 of the Guidelines all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. In this regard, States were reminded of their duties under paragraph 7 of resolution 661 (1990) of 6 August 1990, to cooperate fully with the Committee in the fulfilment of its task, including supplying such information as might be sought by the Committee. No information, as requested by paragraph 12 of the Guidelines, has yet been received by the Committee.

7. By paragraphs 13 and 15, all States and international organizations are requested to consult the Committee on the question of whether certain items fall within the provision of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, that is to say, items meant for civilian use but with potential for diversion or conversion to military use. Neither States nor international organizations have yet consulted the Committee on these questions.

8. By paragraph 14 of the Guidelines international organizations are requested to provide to the Committee any relevant information that may come to their attention. No such information has yet been received by the Committee.

9. By a letter dated 6 August 1991 (S/22904), the President of the Security Council informed the Secretary-General that the members of the Council held informal consultations pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991). After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the sanctions regimes.

10. During the period under review, no allegations of violations of sanctions, particularly in connection with paragraph 24 of resolution 687 (1991) have been reported to the Committee.

11. The Committee will continue its efforts to fulfil the mandate entrusted to it. In this context, it suggests that the Secretary-General might send a reminder to those States which have not yet replied in accordance with paragraph 4 of Security Council resolution 700 (1991) on measures they have instituted for meeting the obligations set out in paragraph 24 of Security Council resolution 687 (1991).*

---

* The States that have replied so far pursuant to paragraph 4 of Security Council resolution 700 (1991) are listed in the reports of the Secretary-General contained in documents S/22884 and Add.1.